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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,322	12/04/2003	Steven Baker	HON 1448-047	7329
8698	7590	01/28/2009	EXAMINER	
STANLEY LAW GROUP LLP			HAIDER, FAWAAD	
6300 Riverside Drive				
Dublin, OH 43017			ART UNIT	PAPER NUMBER
			3627	
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			01/28/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/728,322	BAKER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	FAWAAD HAIDER	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 04 November 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-8 and 10-14 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-8 and 10-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 04 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

***DETAILED ACTION***

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The term "adequate" in claims 1 and 8 is a relative term which renders the claim indefinite. The term "adequate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
4. The terms ".... supplier's on-hand container inventory to meet said manufacturer's demand for parts..." in claims 1 and 8 is a relative term which renders the claim indefinite. The term "meet" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (2002/0069141) in view of Beal et al (6,634,506) and Okamura et al (2002/0161878) and Navani et al (2002/0069210).

Re Claims 1, 8, 10: Kawamura discloses calculating at said computer by said manufacturer a container allocation quantity for each of said plurality of suppliers, wherein said container allocation quantity for each supplier varies for each supplier according to: (1) said supplier's parts demand value as determined by said manufacturer's production schedule and (2) said supplier's container allocated days number (see [0012, 0016]); calculating a supplier on-hand container inventory quantity for each of said plurality of suppliers (see [0012, 0017]); calculating at said computer by said manufacturer for each of said plurality of suppliers an actual container quantity according to said container allocation quantity and said supplier on-hand container inventory quantity for each of said suppliers (see [0036, 0037]); releasing from said container inventory holding area to each of said plurality of suppliers a number of containers equal to said actual container quantity wherein said containers are released by said manufacturer according to said actual container quantity calculated by said manufacturer (see Figures 2-3, Abstract). Kawamura discloses entering in a database

at a computer said supplier on-hand container inventory quantity, a parts demand value, and a container allocated days number for each of a plurality of suppliers (see [0013, 0016, 0017, 0022, 0033, 0036-0037]). However, Kawamura fails to disclose the following limitations.

Beal discloses creating at least one container inventory holding area in said manufacturer's supply chain (see Figures 4-5); Beal discloses storing at said container inventory holding area a plurality of containers for use by a plurality of suppliers in said manufacturer's supply chain (see Figures 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's invention with Beal's disclosure of inventory holding areas in order to allow for efficient "shipping, storing, and distributing the containers themselves, leading to increased efficiency, productivity, and predictability (See Beal col.3, lines 3-7)."

Both Kawamura and Beal fail to disclose the following limitations: a container allocated days number, determining a process flow of containers, and determining a parts demand value.

Okamura discloses calculating a container allocated days number, said container allocated days number for each supplier comprising a number of days a container remains in said supplier's on-hand container inventory to meet said manufacturer's demand for parts over a specified period of time, said container allocated days number calculated by said manufacturer (see Figures 10-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's and Beal's inventions with Okamura's disclosure of a container allocated days number in order "to

allow physical distribution of the returnable containers to be managed at the management center on a comprehensive basis (See Okamura Abstract)."

Navani also discloses where it comprises determining a process flow of containers for each of said plurality of suppliers (see [0190]). Finally, Navani discloses calculating a parts demand value, said parts demand value for each supplier calculated according to said manufacturer's actual requirement for parts from said supplier according to said manufacturer's production schedule, said parts demand value calculated by said manufacturer (see [0135, 0143, 0144, 0153, 0174]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify both Kawamura, Beal and Okamura with Navani's disclosure of a process flow and a parts demand value in order to "produce the optimized vessel contracting transactions include lowest cost and fastest delivery (See Navani Abstract)."

Re Claims 4, 11: Kawamura discloses further comprising adjusting said actual container quantity for one of said plurality of suppliers based on a request from said supplier (see [0020, 0032, 0036]).

Re Claims 5-6, 12-13: Beal discloses wherein said supplier on-hand container inventory quantity comprises empty containers at said supplier's facility, or in-transit to said supplier's facility, and full containers waiting to ship, or in-transit to said manufacturer's facility (see Figures 3-4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's invention with Beal's disclosure of inventory holding areas in order to allow for efficient "shipping, storing, and

distributing the containers themselves, leading to increased efficiency, productivity, and predictability (See Beal col.3, lines 3-7)."

Re Claims 7, 14: Beal discloses wherein said inventory holding area is of the type returnable container center (see Figures 4-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kawamura's invention with Beal's disclosure of inventory holding areas in order to allow for efficient "shipping, storing, and distributing the containers themselves, leading to increased efficiency, productivity, and predictability (See Beal col.3, lines 3-7)."

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 3-8, and 10-14 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fawaad Haider/  
Examiner  
Art Unit 3627

FIH

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627

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